

The court agrees with the defendant that the defendant may not amend the plaintiffs' complaint to add a defendant. However, the defendant's current motion would have the same effect. Pursuant to the Federal Rules of Civil Procedure, the defendant may move to add a party pursuant to Rule 19(a), in this instance Mr. Bruckner would likely be a counter-defendant, based on a counter-claim brought by the defendant. The defendant may also file a motion to dismiss pursuant to Rule 12(b)(7). The defendant's current motion was not properly filed pursuant to either procedural rule and will be denied. Upon consideration,

1. The defendant's Motion to Join M. James Bruckner as a Defendant (Filing No. 14) is denied.

2. The defendant's Motion for Reconsideration (Filing No. 23) is denied.
DATED this 31st day of July, 2007.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge